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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,723	10/30/2001	Rachel Kuller	10011658 -1	8864

7590 06/17/2003

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

FIGUEROA, FELIX O

ART UNIT PAPER NUMBER

2833

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/015,723

Applicant(s)

KULLER ET AL.

Examiner

Felix O. Figueroa

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16,20-24,37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16,20-24,37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13, 19 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 13, it is unclear what is intended by the limitation "the rigidity of the length". It is noted that the claim discloses "a rigidity associated with the length". However, it is unclear how "a length" can have "a rigidity".

The scope of claims 19 and 20 is indefinite because there is an inconsistency within the claims. Claim 14, from which they depend, indicates that the subcombination, a coupling assembly, is being claimed. However, later claims 19 and 20 contain positive limitations directed toward an electronic device receptacle, suggesting that applicant intends to claim the combination of the coupling assembly and electronic device receptacle. Applicant is required to clarify what subject matter the claims are intended to be drawn to and the language of the claim must be amended to be consistent with this intent.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7-10, 14, 15, 20-22, 24 37 and 38 are rejected under 35

U.S.C. 102(b) as being anticipated by Webster et al. (US 4,310,208).

Webster discloses a coupling assembly comprising: at least one signal carrying component (4); at least one steerable component (50), at least a portion of which is secured with the signal-carrying component. Webster also discloses an interface component (7); a non-secured portion of the steerable component having a first disposition (Fig.3) and a second disposition (Fig.1).

Please note that recitations of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art.

Regarding claims 2-4, 8, 15 and 21, Webster discloses the at least one signal carrying component comprising at least one electrical conductor / cable / one or more conductive traces / multiple signal carrying components.

Regarding claims 7, 9 and 10, Webster discloses the at least one steerable component comprising plastic; being flat; and having a width and coupled with the signal-carrying component along a majority of the width.

Regarding claim 22, Webster discloses the steerable component mounted to the interface component.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webster in view of Bergamin (US 4,480,886).

Webster discloses substantially the claimed invention except for the flexible printed circuit. Bergamin shows that a flexible printed circuit is an art recognized equivalent structure for a flat cable. Therefore, because these two signal carrying components were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute of the component of Bergamin for the component of Webster to carry the electrical signal.

Claims 6, 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webster.

Regarding claims 6 and 23, Webster discloses substantially the claimed invention except for the specific material of the steerable component. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use polyester as the preferred material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Regarding claim 11, Webster discloses substantially the claimed invention except for the specific width. However, it would have been an obvious to one having ordinary skill in the art to form the signal carrying component and the steerable component having equal width to maximize the retention surface between the components.

Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webster in view of Muldoon (US 2,030,115).

Webster discloses substantially the claimed invention except for the specific rigidities of the components. Muldoon teaches a coupling assembly in which the steerable component has a rigidity greater than the signal carrying component, thus providing a stronger and longer-lasting steerable component. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form the steerable component of Webster to be more rigid, as taught by Muldoon, to provide a stronger and longer-lasting steerable component.

Response to Arguments

Applicant's arguments filed 04/25/03 have been fully considered but they are not persuasive.

In response to applicant's argument regarding claims 1 and 14 that Webster does not disclose the steerable component for steering the assembly into the receptacle, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Furthermore, it is noted that the assembly can be manipulated into the receptacle with the steerable component (and rigidity) presented by Webster.

In response to applicant's argument regarding claim 5, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Please note that the fact that Bergamin requires no force to insert the multiconductor circuit into the connector is not relevant.

In response to applicant's argument regarding claims 12 and 13 that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is noted that a steerable component having a greater rigidity, as shown by Muldoon, is capable of better resisting wear and tear, and thus last longer than the steerable component of Webster.

In response to applicant's arguments that Muldoon does not disclose "the rigidity of the length of the steerable component exceeds the rigidity of the second length of the signal carrying component", please note that Muldoon inherently teaches the steerable component having a rigidity greater than the rigidity of the cable.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix O. Figueroa whose telephone number is (703) 308-0097. The examiner can normally be reached on Mon.-Fri., 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

Effective May 1, 2003, the United States Patent and Trademark Office has a new Commissioner for Patents address. Correspondence in patent related matters must now be addressed to:

**Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450**

For additional information regarding the new address, see Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332 (March 25, 2003).

ffr
June 13, 2003


**RENEE LUEBKE
PRIMARY EXAMINER**